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**Attorneys for Plaintiff**

**IN THE DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS**

**AE JA ELLIOT PARK,**

**Plaintiff,**

**VS.**

**JARROD MANGLOÑA, et al.,**

## Defendants.

**Civ. No. 07-0021**

# UNOPPOSED MOTION TO RE-CALENDAR HEARING ON MOTION TO DISMISS

Plaintiff hereby moves the Court for its order vacating any such order of dismissal it may have entered in this matter and re-setting Defendants' Motion to Dismiss for hearing at a date convenient to the Court.

In support of this motion, Plaintiff's undersigned counsel advises the Court that he mistakenly believed the November 15 hearing on the Motion to Dismiss to be at 9:00 rather than 8:30, based on Defendants' Reply Brief, which states a 9:00 hearing time, and that he appeared for the hearing at approximately 8:45, only to find that it had already concluded. Plaintiff further advises the Court that Defendants' counsel, Braddock Huesman of the Office of the Attorney General, has been contacted regarding this matter, and has advised that Defendants have no objection to the Motion to Dismiss being re-calendared and heard on the merits with argument by both parties.

Plaintiff's counsel apologizes to the Court and to Defendants for any inconvenience caused by his mistake, and will accept any reasonable sanction that the Court may see fit to impose, but asks

1 in the interest of the parties and of substantial justice that the Motion to Dismiss be decided only  
2 after a hearing on the merits with the participation of all parties.

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4 Respectfully submitted this 15<sup>th</sup> day of November, 2007.

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6 O'CONNOR BERMAN DOTTS & BANES  
7 Attorneys for Plaintiff

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9 By: \_\_\_\_\_/s/\_\_\_\_\_  
10 Joseph E. Horey

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